



Media Contact:

Contact: Connie Jackson, City Manager

Office: 650-616-7056

Cell: 650-823-3262

Email: cjackson@sanbruno.ca.gov

Alex Doniach

Office: 415-227-9700

Cell: 415-806-8566

Email: singer@singersf.com

For Immediate Release

CPUC Proceeds with Deceptive New Rules that Could Make it Harder to Obtain Public Records

New Rules a "Barrier to Transparency," says San Bruno Mayor

San Bruno, Calif. – The California Public Utilities Commission on Thursday opened a proceeding to consider new rules that make it harder for the public and the media to obtain public records from the CPUC.

The changes to how the CPUC handles records requests – brought about as a result of the Public Records Act lawsuit filed by San Bruno that ultimately exposed an email scandal between the CPUC and the Pacific Gas and Electric Co. – would mostly improve the way the CPUC processes these requests.

But San Bruno officials are objecting to the [new rules'](#) deceptive reference to Public Utilities Code § 1759, which if approved would have the onerous effect of forcing any challenge to a CPUC public records request to be filed in California Supreme Court or state Appellate Court. Current law allows challenges – including San Bruno's most recent lawsuit -- to be filed in the local Superior Court.

“The new rules as written would add a costly and burdensome hurdle for members of the public and the media seeking CPUC records,” said San Bruno Mayor Jim Ruane. “By forcing the public to challenge a records request in the state’s highest courts, the CPUC is imposing a barrier to transparency and further insulating the CPUC from public scrutiny. We are extremely concerned and will be pushing to eliminate this proposed change.”

The proposed rules stem from the Public Records Act lawsuit filed by San Bruno in Superior Court in February, which was brought about after the CPUC refused to fulfill multiple records requests made over a 10-month period. The lawsuit ultimately forced the CPUC to hand over 7,000 pages of public records and exposed shocking, illegal emails between the CPUC and PG&E staff related to the 2010 PG&E pipeline explosion in San Bruno that killed eight citizens.

The disclosure of these records has already prompted President Michael Peevey to not seek reappointment to the CPUC, the recusal of Commissioner Mike Florio, the resignation of a top CPUC aide and the termination of three top PG&E executives. Both the U.S. Attorney and the State Attorney General are now investigating.

The lawsuit also triggered new requirements by the CPUC to improve its rules for processing public records requests in order to make records easier to access.

This has already led to some positive changes, including a new [webpage](#) that makes it easier to find records on the CPUC’s website. It includes frequently asked questions about the Public Records Act and the process for requesting public records from the CPUC.

But San Bruno officials say that while the webpage has improved the CPUC’s culture of transparency, they remain concerned that the proposed new rules would also force the public to seek a challenge in the state’s highest courts.

San Bruno intends to contest the court requirement so that public records challenges are heard in local Superior Court. Because the CPUC opened a proceeding to consider these new rules – approved Thursday on the commission’s consent agenda without discussion – the city will have an opportunity to state its case in coming months. San Bruno’s first round of comments will be due Dec. 12.

“Our hope is that this process makes the CPUC more transparent – not less -- and we will participate actively in ongoing discussion about these new rules,” Ruane said. “The CPUC is a state agency, meaning the public has a right to know whether the CPUC’s politically appointed commissioners and staff are serving the people’s – not the utility’s -- best interest.”